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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Stuart Chase, Town of Wolfeboro

JURY TRIAL DEMANDED

JURISDICTION

1. This new cause of action for damages, is brought under 28 U.S.C. 1983 and is founded upon 28 U.S.C. 1331 (1)(3)(4), and the aforementioned statutory privsion. Plaintiff claims a trial by jury.

PARTIES

2. Plaintiff Josephine Amatucci at P.O. Box 272, Wolfeboro Fals, NH 03896 is a citizen of the United States and a resident of Wolfeboro, New Hampshire.
3. Defendant former Police Chief Stuart Chase, at Carroll County Sheriff's office 95 Water Village Road, Ossipee, NH 03864, sued in his personal and official capacity;
4. Town of Wolfeboro, P.O. Box 629, Wolfeboro, NH 03896 sued in official capacity;

COMPLAINT INTRODUCTION

5. This Complaint is a NEW CAUSE OF ACTION about an event that occurred on May 7, 2014. There is no statute of limitations as this case is based on FRAUD ON/UPON the Court and therefore the case was not decided on the merits in 2018 by Judge Joseph Laplante, at a cross summary judgment hearing. Fraud is never final, and this case is below the 3 years statute of limitations from the fraud at the cross summary judgment

hearing heard by Judge Joseph Laplante.

6. All the evidence in this case can be found in the previous case under Docket 00027 which was before this court under the Title of Josephine Amatucci v. Stuart Chase.

7. The misrepresentation of the facts occurred when at a cross summary judgment hearing Judge Laplante denied the Plaintiff's meritorious claim of an unlawful arrest for speeding by stating that nothing in the record showed that she was arrested for speeding, a misrepresentation as before Judge Laplante was a statement in the defendant's motion for summary judgment a statement where Attorney Mullen made it very clear that the Plaintiff was indeed ARRESTED FOR SPEEDING. Evidence that Judge Laplante knew from his inspection of Mullen's motion for summary judgment that there was indeed "evidence in the record" that the Plaintiff was arrested for speeding. Making Judge Laplante's his denial of her motion for summary judgment a MISREPRESENTATION of the evidence before him. Making her motion for summary judgment based on an unlawful arrest, meritorious, contrary to Judge Laplante's misjudgment of the facts. Her Fourth Amendment claim of an unlawful arrest and detainment and prosecution for speeding, (as speeding is not a crime in New Hampshire) a meritorious claim.

8. Other evidence IN THE RECORD before Judge Laplante and before attorney Mullen was a Document previously filed by Mullen's own law firm Ransmeier & Spellmant, in this Court, in this case, where in the Document, the former police chief Stuart Chase, the defendant in this case, states under oath that the Plaintiff was arrested for BOTH SPEEDING AND DISOBEYING A POLICE OFFICER. That Judge Laplante and Mullen knew or should have known of this document, which further verified that the Plaintiff was indeed arrested for speeding, by the defendant himself the former Stuart Chase. Who by the way was TERMINATED for his unlawful arrest and long detainment

of the Plaintiff on May 7, 2014.

9. The other evidence of FRAUD and FRAUDULENT MISREPRESENTATION was in Mullen's motion for summary judgment which was based on the facts that the police were allowed probable cause to arrest the Plaintiff for the charge of disobeying a police officer, by the ruling of the trial court judge Patten on June 25, 2014, and therefore the defendant's stated that where the police were allowed probable cause for the arrest of disobeying a police officer, the Plaintiff had no Fourth Amendment claim for an unlawful seizure, as they stated, a Fourth Amendment claim under 1983 requires that the police have no probable cause to arrest. And under these fraudulent statements, Judge Laplante allowed Mullen's summary judgment. And the Judge denied the Plaintiff's motion for summary judgment.

10. However, Mullen and Judge Laplante knew or should have known that the charges and the determination of probable cause by the trial court judge Patten on May 7, 2014 was VOID OF NO LEGAL FOCE, and knew or should have known that any ruling by the trial court judge Patten was VOID OF NO LEGAL FORCE, as Judge Patten had NO JURISDICTION TO RULE on the charges.

11. As all charges and the probable cause ruling by Judge patten were dismissed automatically in the violation the Sixth Amendment Speedy Trial Clause when the police detained the Plaintiff longer than the 70-90 day limit under the law to hold a trial for the charges. When they didn't hold a trial until one year and 3 weeks later. Which was a violation of the law and the charges were automatically dismissed under the law.

12. Therefore, when the defendant's attorney Mullen stated to the court at the summary judgment hearing that the police had probable cause to charge the Plaintiff for disobeying a police officer, he was in fact committing FRAUD ON

THE COURT. As he knew or should have known that under the Speedy Trial Clause, all charges and any ruling of probable cause to arrest were VOID OF NO LEGAL FORCE.

Therefore his Motion for summary judgment was based on FRAUD. It had no legal force.

13. Also, that the trial court judge Patten had NO JURISDICTION to hear the case which was held one year and 3 weeks after the Plaintiff was formerly arrested, a violation of the Speedy Trial Clause, which made Judge patten's ruling allowing the charge of disobeying a police officer and pro bable cause to arrest that Judge Patten's ruling was VOID OF NO LEGAL FORCE.

14. And Judge Laplante himself also had NO JURISDICITON to rule on Mullen's motion for summary judgment, and NO JURISDICTION to allow Mullen's summary judgment based on fraudulent misrepresentation. Making Judge Laplant's ruling allowing Mullen's motion for summry judgment is VOID OF NO LEGAL FORCE.

15. This new cause of action addresses two fourth amendment unlawful seizures of an unlawful arrest and long detention for a charge of speeding, on May 7, 2014 when speeding is not a crime in New Hampshire, and where the Plaintiff was found NOT GUILTY of speeding by the trial court judge Patten on June 25, 2015.

16. The other fourth amendment claim is the unlawful long detention before the police held a trial on their charges, which was a violation of the Sixth Amendment Speedy Trial Clause, of an unalawful detention where a trial was held longer than the maximum days allowed which is 70-90 days before a jury trial can be held under the law. Especially for the elderly who should not be detained too long. When the police waited one year and 3 weeks before holding a trial on the charges.

17. Then there is a Monell claim of the Plaintiff's version of the claim which under Judge Laplante was denying the facts in the case of Pembaur where

the United States Supreme Court confirmed the Plaintiff's version of a Monell claim, that when a policymaking official (stuart chase and prosecutor Timothy Morgan) is the DIRECTLY CAUSE of a violation of the Constitution, the town is liable for damages, even if the event occurred only once. When unmeitoriously Judge Laplante at the hearing was denying the Plaintiff's interpretation of a Monell claim, instead stating it had to be a CUSTOM of the town, when the truth is even ONE INCIDENT makes the town liable.

18. Therefore the Plaintiff is seeking HER RIGHT to a jury trial for damages in the amount of \$500,000.00, triple damages.


19. Asking for an expeditious trial due to the fact that this case has been before the Court forSIX LONG YEARS.

Respectfully,

Josephine Amatucci

November 1, 2020

c. Attorney Mullen, Town, Stuart Chase

A handwritten signature in cursive script that reads "Josephine Amatucci". The signature is written in black ink and is positioned below the typed name.